F. & D. No. 4256.
I. S. Nos 11344-d, 11349-d, 11355-d, 11356-d, 11358-d. Issued June 3, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2365.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF ACETANILID TABLETS; ADULTERATION OF CAFFEINE CITRATE TABLETS; ADULTERATION AND MISBRANDING OF NITROGLYCERIN TABLETS; ADULTERATION AND MISBRANDING OF QUININE SULPHATE TABLETS; ADULTERATION AND MISBRANDING OF SODIUM SALICYLATE TABLETS.

On July 29, 1912, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Flint, Eaton & Co., a corporation. Decatur, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 9, 1911, from the State of Illinois into the State of Indiana—

(1) Of a quantity of acetanilid tablets which were adulterated and misbranded. The product was labeled: "500 Tablets Acetanilid No. 104 (Aromatic) Acetanilid 3 grs. * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Average acetanilid per tablet, 1.86 grains; shortage about 38 per cent. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold, to wit, 3 grains of acetanilid, the real average strength of said tablets being, to wit, 1.86 grains of acetanilid. Misbranding was alleged for the reason that the product had on its label the following statement among others concerning the ingredients therein contained, to wit, "500 Tablets No. 104 Acetanilid 3 Grs.," which statement was false and misleading because it created the impression that each tablet contained 3 grains of acetanilid, when, in truth and in fact, the tablets contained on an average only 1.86 grains of acetanilid, and for the further reason that the bottle containing the

product failed to bear a statement of the quantity or proportion of acetanilid contained therein in type sufficiently large to attract the attention of the purchaser and plainly inform him of the presence of the ingredient named, to wit, acetanilid, and failed to comply with Regulation 17, paragraph C, of the Rules and Regulations heretofore made and approved by the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor for the enforcement of said Act.

(2) Of a quantity of caffeine citrate tablets which were adulterated and misbranded. The product was labeled: "1000 Tablets Caffeine Citrate. Caffeine Citrate 1 gr."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed caffeine citrate per tablet 0.47 grain. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold, to wit, caffeine citrate 1 grain, the real average strength of each tablet being, to wit, 0.47 grain of caffeine citrate. Misbranding was alleged for the reason that the package containing the product bore on the label the following statement among others concerning the ingredients therein contained, to wit, "Caffeine Citrate 1 Gr.," which statement was false and misleading because it created the impression that each tablet contained 1 grain of caffeine citrate, when, in truth and in fact, the tablets contained on an average only 0.47 grain of caffeine citrate.

(3) Of a quantity of nitroglycerin tablets which were adulterated and misbranded. The product was labeled: "1000 Tablets Nitroglycerin. Nitroglycerin 1-50 grain. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed nitroglycerin per tablet 0.011 grain. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold and shipped, to wit, nitroglycerin, one-fiftieth grain, the real strength of said tablets being, to wit, eleven one-thousandths of a grain of nitroglycerin. Misbranding was alleged for the reason that the package containing the product bore on the label the following statement among others concerning the ingredients therein contained, to wit, "Nitroglycerin 1-50 grain," which said statement was false and misleading because it created the impression that each tablet contained one-fiftieth grain of nitroglycerin, when, in truth and in fact, each of said tablets contained eleven one-thousandths of a grain of nitroglycerin.

(4) Of a quantity of quinine sulphate tablets which were adulterated and misbranded. The product was labeled: "1000 Tablets Quinine Sulphate pink No. 860 Quinine Sulphate 3 grs. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed quinine sulphate per tablet 2.3 grains. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold and shipped, to wit, "Quinine Sulphate 3 Grs.," the real strength of the tablets being, to wit, 2.3 grains of quinine sulphate. Misbranding of the product was alleged for the reason that the package containing the tablets bore on its label the following statement among others concerning the ingredients therein contained, to wit, "Quinine Sulphate 3 Grs.," which said statement was false and misleading because it created the impression that each of the tablets contained 3 grains of quinine sulphate, when, in truth and in fact, each of said tablets contained 2.3 grains of quinine sulphate.

(5) Of a quantity of sodium salicylate tablets which were adulterated and misbranded. The product was labeled: "500 Tablets Sodium Salicylate No. 911 Plain Sodium Salicylate 5 grains. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Average sodium salicylate per tablet, 4.06 grains; shortage, 18 per cent. Adulteration of the product was alleged in the information for the reason that the strength of the tablets was below the professed standard under which they were sold and shipped, to wit, "Plain Sodium Salicylate 5 Grains," the real strength of the tablets being, to wit, 4.24 grains of plain sodium salicylate. Misbranding was alleged for the reason that the package containing the product bore on its label the following statement, among others, concerning the ingredients therein contained, to wit, "Plain Sodium Salicylate 5 Grains," which said statement was false and misleading because it created the impression that each of the tablets contained an average of 5 grains of plain sodium salicylate, when, in truth and in fact, each of the tablets did not contain an average of 5 grains of plain sodium salicylate, but each contained an average of, to wit, 4.24 grains of sodium salicylate.

On December 17, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of $10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

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